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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,493	03/09/2001	Lisa M. Guerra	BVOC020	7446
28875	7590	07/14/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			MCFADDEN, SUSAN IRIS	
			ART UNIT	PAPER NUMBER

2655

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/802,493	GUERRA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan McFadden	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-8,10-15,18 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,10-15,18 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Zilka on 6-23-05.

The application has been amended as follows:

In claim 15, line 1, after "system", --- including a computer program product embodied on a computer readable medium --- has been inserted.

In claim 18, line 1, after "product", --- embodied on a computer readable medium --- has been inserted.

These changes were made to overcome a 101 rejection.

### ***Response to Amendment***

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1,5-8,10-15,18, and 21-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claims 1,15, and 18 are objected to because of the following informalities: It is unclear how are where the utterances come from. "A speech recognition portal" is

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incorrectly claimed as output of a system. Speech recognition is used for input speech.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,5-8,10-15,18, and 21-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Alpdemir (6,658,389).

In regard to claims 1,15,18, and 21, Alpdemir shows in Figure 1, a system (including logic for), method, and medium for gathering information including determining an address of an entity based on a user location comprising: determining a location associated with a user (col. 11, ln 45); receiving input associated with an entity from the user (col 8-9), utilizing an input device (phone); performing a query to identify a plurality of locations of the entity (col. 11), and ascertaining which of the identified locations of the entity are in proximity to the location associated with the user; wherein the user is informed about the locations of the entity ascertained to be in proximity to the location associated with the user; wherein the user is informed audibly via a speech recognition portal about the locations of the entity ascertained to be in proximity to the location of the user; wherein the user is informed of at least one address associated

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with at least one of the locations of the entity ascertained to be in proximity to the location associated with the user; wherein the user is permitted to select the location associated with the user from a set of locations associated with the user (user selects, col. 11).

In regard to claims 5,6,7,11, and 12, Alpdemir shows in claim 1, col. 13, ln 45-52) that the location of the user is the current location of the user and that the locations of the entity ascertained to be in proximity to the location of the user satisfy the criteria of the user, which includes sales (promotional coupons of nearby entities), which could inherently indicate which entities are open.

In regard to claim 8, Alpdemir shows in column 6, ln 25-30, that the system includes directions from the location associated with the user to at least one of the identified locations of the entity ascertained to be in proximity to the location of the user are generated and delivered to the user.

In regard to claim 10, Alpdemir shows facilitating communication between the user and at least one of the locations of the entity ascertained to be in proximity to the location of the user (col. 5-6).

In regard to claims 13 and 14, Alpdemir shows determining which of the identified locations of the entity is closest to the location associated with the user and ranking them (col. 15, ratings).

In regard to claims 22, 28, and 29, Alpdemir shows the speech recognition portal (receiving utterances in a speech recognition process (item 146, col. 8) utilizes a network (Fig. 1).

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In regard to claims 23-25, Alpdemir shows the entity is a destination name (col. 8-9), brand name, and a category.

In regard to claims 26 and 27, Alpdemir shows a destination address is identified based on the destination name utilizing a database that includes addresses associated with at least one of business names, brand names, and goods and services (col. 8-9).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

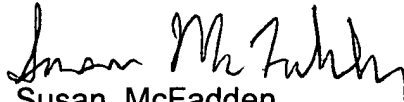
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

July 5, 2005